

#### 4. Remarks

In a first office action, the Examiner rejected claims 1 and 3-5 under 35 U.S.C. 102(b) as anticipated by U.S. Patent 4,044,083 to Holub. In addition, the Examiner rejected claims 2, 6, and 7 under 35 U.S.C. 103(a) as obvious over Holub in view of Conley (U.S. Patent 1,373,979).

The Examiner indicated out that Holub discloses a spreader/grader comprising first and second runners; a blade support; a moldboard pivotally attached to the blade support; and first and second blades attached to the blade support. The Examiner also indicated that when motion (forward or aft) is imparted to the apparatus of Holub, the moldboard undergoes pivotal motion so that the appropriate first or second blade is placed in operative connection with the surface.

However, the applicant discloses a device in which the pivotal motion of the blades is caused by the interaction between a blade and the surface to be worked; thus applicant's device places the appropriate blade in a working position by the motion imparted to the spreader/grader by the draft vehicle. Unlike the device of Holub, applicant's device requires no hydraulic mechanism for imparting pivotal motion to the blades and moldboard and no operator intervention other than driving the draft vehicle to impart the pivotal motion to the blades and moldboard. Applicant has amended claims 1 and 5 (on which all the other claims depend) to incorporate a limitation that the pivotal motion of the blades is caused by the interaction between the blades and the surface to be worked:

the blade support, moldboard, first blade, and second blade being so configured that when the runners are in operative connection with a surface to be worked by the apparatus and forward motion is imparted to the apparatus, then the motion of the spreader/grader and the interaction between the first blade and the surface to

be worked causes the moldboard to undergo undergoes pivotal motion so that the first blade is placed in operative connection with the surface to be worked while the second blade is placed in a clearance position with respect to the surface to be worked, and when the runners are in operative connection with a surface to be worked by the apparatus and aft motion is imparted to the apparatus, then the motion of the spreader/grader and the interaction between the second blade and the surface to be worked causes the moldboard to undergo undergoes pivotal motion so that the second blade is placed in operative connection with the surface to be worked while the first blade is placed in a clearance position with respect to the surface to be worked.

In addition, applicant has added claims 7 through 15, which also depend indirectly or directly upon claims 1 and 5 and which incorporate additional limitations to further clarify that “motion is imparted to the apparatus occur without the exertion of any force other than that caused by the interaction between the first blade and the surface to be worked or between the second blade and the surface to be worked” (claims 8, 10, 12, and 14) and that “the apparatus does not include a hydraulic cylinder configured to impart pivotal motion to the first blade and does not include a hydraulic cylinder configured to impart pivotal motion to the second blade and does not include a hydraulic cylinder configured to impart pivotal motion to the moldboard” (claims 9, 11, 13, and 15).

Holub’s device, in contrast to applicant’s claimed device, imparts the desired pivotal motion to the blades by use of an operator-controlled hydraulic cylinder. Thus Holub’s device is patentably distinct from applicant’s device because in applicant’s device the motion of the device and the interaction between the blades and the ground pivots the blades into their respective working positions, whereas in Holub’s device the pivoting may occur at the same time as forward or aft motion (or independently of forward or aft motion) by the operator’s actuation of the cylinder 72.

Because applicant’s device is ground-actuated whereas Holub’s device is operator-actuated, applicant’s device maintains some of the same advantages over

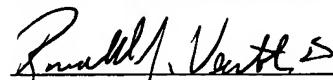
Holub's device that applicant disclosed with respect to other prior art—namely, reduced effort required of the operator and reduced complexity and reduced costs in both building and maintaining the device.

## 5. Conclusion

Applicant respectfully requests that the amendment be entered and that the claims, as amended, be allowed.

Respectfully submitted,

MICHAEL D. CARBO, PLC



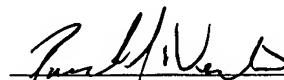
Michael D. Carbo (Reg. No. 30,615)  
Ronald J. Ventola II (Reg. No. 44,387)  
228 St. Charles Ave., Ste. 1122  
New Orleans, Louisiana 70130  
Telephone No. 504-586-1602  
Facsimile No. 504-586-1611

RJV:cdb

cc: Mr. Richard A. Seal(w/encls.)

### Certificate of Mailing via Express Mail

I hereby certify that this paper and any paper attached hereto is being deposited with the United States Postal Service on the date shown below with sufficient postage as Express Mail Post Office to Addressee in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231 bearing Express Mail Mailing Label No. EL763364690US, this 21<sup>st</sup> day of April, 2003.



Michael D. Carbo (Reg. No. 30,615)  
Ronald J. Ventola II (Reg. No. 44,387)